

Message Text

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ACTION DPW-01

INFO OCT-01 EA-11 ISO-00 IO-14 CIAE-00 DODE-00 PM-07 H-03

INR-10 L-03 NSAE-00 NSC-07 PA-04 RSC-01 PRS-01 SP-03

SS-20 USIA-15 DRC-01 EUR-25 SAJ-01 SAM-01 /129 W

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FM AMEMBASSY VIENTIANE

TO SECSTATE WASHDC 9004

INFO SECDEF WASHDC

CINCPAC

USSAG

CDR JCRC NKP

S E C R E T VIENTIANE 3866

E.O. 11652: GDS

TAGS: MOPS, LA

SUBJECT: POW/MIA

1. SUMMARY. WITH LESS THAN THREE WEEKS TO GO BEFORE THE 60-DAY TROOP WITHDRAWAL PERIOD COMES TO AN END, WE HAVE HAD NO RPT NO INDICATION THAT THE PATHET LAO WILL RETURN POW EMMET KAY IN THIS TIME FRAME. WE BELIEVE WE SHOULD NOW CONSIDER WHAT PRETEXTS THE COMMUNISTS MAY USE FOR REFUSING TO RELEASE HIM AND WHAT ACTIONS THE USG SHOULD TAKE IF THIS EVENTUALITY COMES TO PASS.

2. AS ALL ADDRESSEES ARE AWARE, THIS MISSION HAS PURSUED THE EMMET KAY ISSUE RELENTLESSLY SINCE THE FORMATION OF THE PGNU. VIRTUALLY EVERY PATHET LAO MINISTER HAS BEEN APPROACHED AS HAVE THE RUSSIAN AMBASSADOR AND MANY LEADERS ON THE VIENTIANE SIDE, INCLUDING PRIME MINISTER SOUVANNA PHOUMA. AFTER ALL THIS PALAVER, THE ONLY RESPONSE FROM THE PATHET LAO HAS BEEN A SERIES OF VAGUELY WORDED STATEMENTS THAT THEY INTENDED TO ABIDE SCRUPULOUSLY BY THE ACCORDS, THAT THE ESTABLISHMENT OF
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A REAL CEASE FIRE WAS THE FIRST PRIORITY OR THAT THE

TRUE NEUTRALIZATION OF THE CAPITALS WAS THE FIRST PRIORITY OR THAT THE POW PROBLEM WAS ONE OF SEVERAL UNDER DISCUSSION. WE ARE NOT REASSURED BY THESE REPLIES AND ARE COMMENCING TO WONDER WHETHER EMMET KAY WILL BE RETURNED AND IF HE IS NOT RETURNED WHAT LINE THE COMMUNISTS WILL TAKE. THE FOLLOWING POSSIBLE LINES PRESENT THEMSELVES:

A. THE U.S. HAS NOT COMPLIED WITH THE CEASE-FIRE. RECONNAISSANCE FLIGHTS CONTINUE IN BLATANT VIOLATION OF THE AGREEMENT AND PROTOCOL.

B. THE U.S. HAS NOT COMPLIED WITH THE PROTOCOL WHICH PROVIDES FOR FOREIGN TROOP WITHDRAWAL WITHIN 60 DAYS OF FORMATION OF THE PGNU, ACCORDING TO A PLAN FORMULATED BY THE JOINT COMMISSION AND MONITORED BY THE ICC. IT FURTHER PROVIDES FOR DISBANDING "SPECIAL FORCES" (I.E. THE LAO IRREGULARS) ALSO ACCORDING TO A JOINT COMMISSION PLAN. THE COMMUNISTS MAY CLAIM THAT SINCE NO THAI SGU OR U.S. MILITARY HAVE BEEN WITHDRAWN UNDER THESE CONDITIONS THAT TROOP WITHDRAWAL HAS NOT OCCURED AND THEREFORE KAY DOES NOT HAVE TO BE RELEASED. (THE PROTOCOL PROVIDES FOR PRIOSNER RELEASE "AT THE SAME TIME AS WITHDRAWAL OF FOREIGN TROOPS AND MILITARY PERSONNEL").

C. THE U.S. BASES IN THAILAND ARE NESTS OF SABOTEURS AND SPIES WHICH IMPERIL THE PGNU AND THE PEACE WILL NOT HAVE ARRIVED UNTIL ALL AMERICANS ARE OUT OF SOUTH EAST ASIA.

D. EMMET KAY IS NOT REALLY A POW SINCE HE IS A CIVILIAN. OR ALTERNATIVELY, KAY WAS CAPTURED AFTER THE CEASE FIRE AND IS THEREFORE NOT A REAL POW. (COMMENT: WE ARE RESEARCHING THIS LINE OF ARGUMENT TO SEE WHAT PUBLIC STATEMENTS THE PL HAVE MADE ABOUT KAY'S STATUS.)

3. IT IS CLEAR THAT THE COMMUNISTS CAN DREAM UP A NUMBER OF EXCUSES FOR HOLDING KAY. WHAT IS NOT CLEAR

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IS THEIR REAL MOTIVATION FOR DOING SO. IT MAY BE JUST PLAIN CUSSSEDNESS BUT WE MUST PRESUME THAT THEY MUST EXPECT TO GET SOMETHING FROM THE U.S. THE TRADE OFF OF AERIAL RECONNAISSANCE FOR KAY HAS A CERTAIN PLAUSIBILITY TO THE WESTERN MIND BUT WE DO NOT BELIEVE THE COMMUNISTS WILL FORMULATE A CLEAR POSITION OF THIS KIND. UNTIL THEIR PURPOSES BECOME CLEARER, THERE IS NOT MUCH WE CAN DO BEYOND WHAT WE ARE DOING

NOW. IF THERE IS NO DEVELOPMENT, I SHALL AGAIN CALL
ON FONMIN PHOUMI VONGVICHIT NEXT WEEK, BUT WE MUST
RECOGNIZE THAT WITHIN THE LIMITES OF LAOS WE HAVE NO
REAL ELEMENTS OF PRESSURE ON THE PL, AND THAT IF WE
WANT TO EXERT GREATER EFFORT WE MAY HAVE TO RAISE
THE ISSUE IN MOSCOW AND PEKING.
WHITEHOUSE

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